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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/978,054	10/17/2001	Yasunori Shingaki	027260-498	3205

7590 01/20/2006  
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EXAMINER

WILLIAMS, LAWRENCE B

ART UNIT	PAPER NUMBER
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2638

DATE MAILED: 01/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

5

<b>Office Action Summary</b>	<b>Application No.</b> 09/978,054	<b>Applicant(s)</b> SHINGAKI, YASUNORI	
	<b>Examiner</b> Lawrence B Williams	<b>Art Unit</b> 2634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on amendment filed on 26 October 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, see Remarks, filed 26 October 2005, with respect to the rejection(s) of claim(s) 1-4 under 35 USC 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Durin et al. US Patent 6,581,100 B1.

### ***Specification***

2. The disclosure is objected to because of the following informalities:
- a.) Applicant refers to multiple reference numerals with same label, ie. "start-bit-level-inspection means". Applicant uses this label to address, reference numeral 2 on page 9, lines 16-18; reference numeral 6 on pg. 10, lines 23-24; reference numeral 7 on pg. 11, lines 6-7.
  - b.) On page 10, line 23, the examiner suggests applicant replace "6" with "Reference numeral 6".

Appropriate correction is required.

3. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Durin et al. (US Patent 6,581,100 B1).

(1) With regard to claim 1, Durin et al. discloses in Fig. 1 a serial-data- communication apparatus (104) for transmitting and receiving serial data composed of a plurality of bits including a start bit (Fig. 3, 308) at a head, comprising; edge-detection means (Fig. 1, element 108) for detecting a trailing edge of received data; start-bit-level-inspection means (Fig. 1, element 108) for recognizing the reception of the start bit of said received data, based upon said trailing edge provided by edge-detection means (col. 9, lines 25-52), and for monitoring a bit level of the start bit to examine whether the start bit maintains a predetermined bit level (col. 8, lines 47-52), and start-bit-detection-error-notification means (108) which outputs a signal to a circuit said signal indicating occurrence of an error in detecting the start bit when any change in the bit level of the start bit is detected by said start-bit-level-inspection means (col. 15, lines 35-40).

(2) With regard to claim 2, Durin et al. also discloses wherein the start-bit-detection-error-notification means outputs a signal indicating occurrence of a start bit detection error, to a CPU (Fig. 8, element 804), controlling the transmission and reception of the serial data, as an interrupt request signal (col. 15, lines 35-40).

(3) With regard to claim 3, Durin et al. discloses in Fig. 1, a method of detecting a communication error in transmission and reception of serial data composed of a plurality of bits including a start (Fig. 3, 308) bit at a head, comprising the steps of: detecting a trailing edge of received data; recognizing the reception of the start bit of said received data based upon the detection of said trailing edge (col. 9, lines 25-52) and, monitoring a bit level of the start bit to examine whether the start bit maintains a predetermined bit level (col. 8, lines 47-52); and outputting a signal to an external circuit, the signal indicating occurrence of an error in detecting the start bit, when any change in the bit level of the start bit is detected (col. 15, lines 35-40).

(4) With regard to claim 4, Durin et al. also discloses the method of detecting a communication error according to claim 3, wherein the signal indicating occurrence of the error in detecting the start bit is output to a CPU, controlling the transmission and reception of the serial data, as an interrupt request signal (col. 15, lines 35-40).

### *Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a.) Ouchi et al. discloses in US Patent 6,580,724 B1 Method of Preventing Data Destruction In Multiplex Communication System,

b.) Wada et al. discloses in US Patent 5,663,729 Control Apparatus and Control Method of AD Converter.

c.) Duckworth discloses in US Patent 6,091,530 Low Power Infrared Communication System.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lawrence B Williams whose telephone number is 571-272-3037. The examiner can normally be reached on Monday-Friday (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Vanderpuye can be reached on 571-272-3078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lawrence B. Williams

lbw  
January 17, 2006

  
**EMMANUEL BAYARD**  
PRIMARY EXAMINER